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OFFICE OF PETITIONS
ON PETITION

In re Application of
Karl Belliard et al.
Application No. 10/735,603
Filed: December 12, 2003
Attorney's Docket No. 802220-0022US

This decision is in response to the petition filed May 21, 2004, under 37 CFR 1.182 in response to the Notice to File Missing Parts mailed March 25, 2004.

The petition is **DISMISSED**.

The application was filed December 12, 2003, however, on March 25, 2004, the Office of Initial Patent Examination mailed a "Notice" stating *inter alia* that the application had been accorded a filing date of December 12, 2003, but that Figure 4C described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners explain that no Figures were missing on December 12, 2003, rather, the figures were mislabeled.

It is obvious from the petition that no drawings were actually missing on December 12, 2003. Rather, the figures were mislabeled, as a result of the applicants' filing error. However, the "Notice" mailed on March 25, 2004, was correct in stating that Figure 4C described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The present petition was not necessitated by any error on the part of the Office and the \$130.00 petition was required upon filing of the petition. Thus, the \$130.00 petition fee will not be refunded.

The application will be processed and examined using the application papers filed on December 12, 2003.

Receipt is acknowledged of the preliminary amendment filed on May 21, 2004.

The application is being forwarded to Technology Center 3738 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.


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Office of Petitions